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EXAMINER

MALZAHN, DAVID H

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/522,463
Filing Date: January 26, 2005
Appellant(s): DURANTON ET AL.

Mark A. Wilson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 19 February 2009 appealing from the Office action mailed 03 September 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The amendment after final rejection filed on 03 November 2008 has been entered. This amendment did not amend any of the claims.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

- Claims 1-3 and 5-8 stand rejected under 35 U.S.C. 102(e) as being anticipated by Dutta et al (Dutta).

Relative to claim 1, Dutta discloses a data processing circuit including “a memory device to store data and coefficients” (Dutta’s XBAR memory, col. 8, line 64 – col.9, line 3 and col. 13, line 49 – col.14, line 2 and coefficient memory, 224, shown in Fig. 2, respectively), “at least a first functional unit to perform a n-tap polyphase filtering and a second functional unit to perform a m-tap polyphase filtering ...” (Functional Unit Datapath, 228, of Fig. 2 which is detailed in Figs. 7A and 7B, note col. 13, line 49 – col. 14 line 2 that describes Fig. 7, i.e. the Functional Unit Datapath and “a crossbar to perform a transfer of the data, coefficients and results between the memory device and any functional unit or any combination of functional units” (element 230 of Fig. 2 and note col. 13, lines 49 – col. 14, line 2 that describe element 230 as controlling the transfer of data, coefficients and results between the XBAR memory, the coefficient memory, 224, and the Functional Unit Datatpath, 228).

The Functional Unit Datapath is capable of performing a number of differ types of filtering, including polyphase direct filtering (first) and polyphase transpose filtering (second), depending on the filtering mode. When a filtering mode is selected the Functional Unit Datapath is configured or reconfigured according to the selected mode to enable the Functional Unit Datapath to perform the selected filtering, e.g., when the filter is placed in the polyphase direct filtering mode the Functional Unit Datapath is configured to enable the Functional Unit Datapath to perform polyphase direct filtering with this constituting a first functional unit and when the

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filter is placed in the polyphase transposed filtering mode the Functional Unit Datapath is configured it enable the Functional Unit Datapath to perform polyphase transpose filtering with this constituting a second functional unit, note the abstract for a concise explanation.

Relative to claim 2, note that the abstract calls for mode selection circuitry to select a plurality of modes including polyphase direct filtering and polyphase transpose filtering.

Relative to claim 3, note that the multipliers, Fig. 7A, that receive C1 and C2 and the ACCUMULATE (CSA +RIPPLE CARRY ADD) element performs a multiplication-accumulation using two item (C1 and C2) coming from the memory device (coefficient memory, 224).

Relative to claim 5, note the last line of the abstract that calls for filtering video pixel components which is clearly an image.

Relative to claim 6, “for television” is only intended use and cannot be given any patentable weight. Also, since Dutta processes image data television is included.

Relative to claim 7, e.g. note the screen of col. 5, line 37.

Relative to claim 8, note the initiator module, 212, of Fig. 2, which is a finite state machine (FSM) that controls the communication protocol and note col. 8, lines 23-26 that call for the filtered values to be processed by another video-processing unit which would require a transmission network and a receiver.

(10) Response to Argument

Appellant's argue the Dutta does not disclose multiple separate functional units, i.e. a first functional unit and a second functional unit, but as detailed above relative to claim 1 a first

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functional unit is enabled, i.e., a plurality of elements within the Functional Unit Datapath 228 are selected and/or the circuitry is reconfigured (Dutta, col. 4, lines 40-51), when the polyphase direct filtering mode is selected which configures the Functional Unit Datapath to enable the Functional Unit Datapath to perform polyphase direct filtering (first unit), and a second functional unit is enabled, i.e., a plurality of elements within the Function Unit Datapath 228 are selected and/or circuitry is reconfigured, when the polyphase transposed filtering mode is selected which configures the Functional Unit Datapath to enable the Functional Unit Datapath to perform polyphase transposed filtering (second unit). Appellant has acknowledged that Dutta's "digital filter is reconfigured, or physically changed, in order to switch from one filter mode to another", first full sentence at top of page 7 of the brief.

Dutta clearly shows multiple separate functional units, i.e., different configurations, with each unit corresponding to a filtering mode. Appellant argues that his invention can perform multiple filtering operations at the same time but the claims do not require that the first and second functional units operate at the same time.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/David H. Malzahn/

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